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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11 RONALD K. JOHNSON,  
12                   Plaintiff,  
13                  v.  
14 RONALD VAN BOENING, *et al.*,  
15                   Defendants.

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17                  Case No. C07-5426RBL-KLS  
18                  ORDER DENYING PLAINTIFF'S  
19                  APPLICATION FOR COURT-  
20                  APPOINTED COUNSEL

21                  This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §  
22 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure.  
23 The case is before the Court upon plaintiff's filing of an application for court-appointed counsel. (Dkt.  
24 #14). Plaintiff has been granted *in forma pauperis* status in this case. After reviewing the motion and the  
25 balance of the record, the Court finds and ORDERS as follows:

26                  There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. While the  
27 court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma*  
28 *pauperis*, it may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331  
(9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d  
1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the  
likelihood of success on the merits and the ability of plaintiff to articulate his claims *pro se* in light of the

1 complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

2 Here, plaintiff has not shown a likelihood of success on the merits or that the legal issues involved  
3 in this case are necessarily complex. Indeed, he has presented no specific reasons as to why he believes  
4 counsel should be appointed at government expense in his case. Accordingly, plaintiff's application for  
5 court-appointed of counsel (Dkt. #14) hereby is DENIED.

6 The clerk is directed to send a copy of this Order to plaintiff.

7 DATED this 11th day of February, 2008.

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11 Karen L. Strombom  
United States Magistrate Judge

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